

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

TRUSTEES OF THE IRON WORKERS )  
DISTRICT COUNCIL OF TENNESSEE )  
VALLEY AND VICINITY PENSION )  
FUND, *et al.*, )

*Plaintiffs,* )

v. )

Charles Howell, )

*Defendant.* )

Case No. 1:07-cv-5  
Judge Mattice

**ORDER**

On June 25, 2007, the Clerk of Court entered default [Court Doc. 15] against Defendant Charles Howell. On July 3, 2007, Plaintiffs filed a Request for Judgment by Default against Defendant Charles Howell [Court Doc. 17] which was referred to Magistrate Judge Susan K. Lee for a report and recommendation [Court Doc. 29].

Magistrate Judge Lee filed her report and recommendation [Court Doc. 31] pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) on June 9, 2008. Neither party filed an objection within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact, conclusions of law, and recommendations [Court Doc. 31] pursuant to § 636(b)(1) and Rule 72(b). Plaintiffs' Request for Judgment by Default Against Defendant Charles Howell [Court Doc. 17] is **GRANTED**.

Accordingly, the Court **ORDERS** that plaintiffs Trustees of the Iron Workers District Council of Tennessee Valley and Vicinity Pension Fund, Trustees of the Iron Workers

District Council of Tennessee Valley and Vicinity Annuity Plan, Trustees of the Iron Workers District Council of Tennessee Valley and Vicinity Health and Welfare Fund, and Trustees of the Iron Workers Local 704 Apprenticeship and Training Trust Fund shall be awarded the following:

1. Damages in the amount of \$73,865.32,
2. Post-judgment interest for the period from August 31, 2001 through August 7, 2007 arising out of the judgment entered in case number 1:01-cv-72 in the amount of \$16,532.77,
3. Costs in the amount of \$350.00,
4. Attorney's fees for services rendered in connection with the instant litigation in the amount of \$1,500.00,
5. Post-judgment interest pursuant to 28 U.S.C.A. § 1961(a) on the total amount awarded.

The Clerk is directed to close this case.

SO ORDERED this 2nd day of July, 2008.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE